

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

JOHN THIBODEAUX, AMY
THIBODEAUX, GABRIELLE
THIBODEAUX, AND EMILY
THIBODEAUX

CIVIL ACTION

NO. 6:18-CV-00501-UDJ-CBW

VERSUS

J.M. DRILLING, LLC., ADMIRAL
INSURANCE COMPANY, ROCKHILL
INSURANCE COMPANY, AND
BELLSOUTH TELECOMMUNICATIONS,
LLC

AMENDED COMPLAINT

NOW INTO COURT, through undersigned counsel, come Plaintiffs, JOHN THIBODEAUX and AMY THIBODEAUX, individually and on behalf of their minor daughters, GABRIELLE THIBODEAUX and EMILY THIBODEAUX, who amend their original Complaint for Declaratory Judgment as follows:

I.

Plaintiffs amend their original Complaint to insert the following additional paragraphs:

"ENFORCEMENT OF JUDGMENT AGAINST ROCKHILL AS EXCESS INSURER

34.

Plaintiffs have obtained a Judgment against J.M. DRILLING, which is currently the subject of a Devolutive Appeal. (See

Exhibit H - Judgment); (See Exhibit K -Motion & Order granting Devolutive Appeal).

35.

At all material times hereto, J.M DRILLING was insured by a primary liability insurance policy issued by ADMIRAL INSURANCE COMPANY with applicable liability limits of \$1,000,000 and an excess liability insurance policy issued by ROCKHILL INSURANCE COMPANY with additional limits of \$5,000,000.

36.

ROCKHILL INSURANCE COMPANY'S Policy No. FF013178-00 provides excess insurance coverage directly above the \$1,000,000 primary insurance policy of ADMIRAL INSURANCE COMPANY, which ADMIRAL has now paid in full.

37.

J.M. DRILLING has perfected a devolutive appeal which does not suspend the effect of the outstanding Judgment.

38.

ADMIRAL INSURANCE COMPANY has paid its entire policy limits of \$1,000,000, plus legal interest.

39.

Defendant, ROCKHILL INSURANCE COMPANY, as excess insurer of J.M. DRILLING, has made no payments.

40.

Plaintiffs assert this cause of action against ROCKHILL INSURANCE COMPANY for enforcement of the outstanding Judgment against said excess insurance above the \$1,000,000 previously paid by ADMIRAL INSURANCE COMPANY.

41.

ROCKHILL INSURANCE COMPANY'S Policy No. FF013178-00 (attached as Exhibit J) was in full force and effect on the date of this subject accident, June 9, 2015, and provides coverage to J.M. Drilling regarding Plaintiffs' claims arising out of this subject accident and the resulting outstanding Judgment.

42.

This Honorable Court has jurisdiction over this cause of action for enforcement of the outstanding Judgment pursuant to 28 U.S.C.A. § 1332, as the amount in controversy clearly exceeds the \$75,000 threshold and there is complete diversity of citizenship between the parties involved in this claim (i.e. Plaintiffs reside and are domiciled in Louisiana and Defendant, ROCKHILL INSURANCE COMPANY, is a foreign insurer with its principal place of business in Arizona).

43.

Plaintiffs reaver, reallege, and reiterate all allegations and prayers for relief as pled in their original Complaint as if copied herein in extenso."

FOR THE FOREGOING REASONS, Plaintiffs, JOHN THIBODEAUX and AMY THIBODEAUX, individually and on behalf of their minor daughters, GABRIELLE THIBODEAUX and EMILY THIBODEAUX, pray that this Amended Complaint herein be duly filed and be electronically served on Defendants, through their counsel of record, requiring Defendants to answer all allegations of the Amended Complaint and after due proceedings be had there be judgment herein in favor of Plaintiffs, against Defendants, together with legal interest and costs.

AND FOR ALL OTHER GENERAL AND EQUITABLE RELIEF, ETC.

Respectfully Submitted By,

/s/ Edward O. Taulbee, IV
Edward O. Taulbee, IV, LA Bar #12699
Christopher E. Taulbee, LA Bar #30753
100 Asma Blvd., Ste. 140
P.O. Box 2038
Lafayette, LA 70502-2038
Phone: 337-269-5005
Fax: 337-269-5096
Email: etaulbee@taulbeelaw.com

Attorney for Plaintiffs, John Thibodeaux and
Amy Thibodeaux, Gabrielle Thibodeaux, and
Emily Thibodeaux

/s/ Max M. Menard
Max Michael Menard, LA Bar #22833
200 Church Street
P.O. Box 1196
Youngsville, LA 70592
Phone: 337-857-6123
Fax: 337-451-5707
Email: max@youngsvillelawyer.com

Attorney for Plaintiffs, John Thibodeaux and
Amy Thibodeaux, Gabrielle Thibodeaux, and
Emily Thibodeaux

CERTIFICATE

I hereby certify that a copy of the above and foregoing has
this day been electronically mailed to all counsel of record.

Lafayette, Louisiana, this 19 day of July 2018.

/s/ Edward O. Taulbee
EDWARD O. TAULBEE, IV -#12669